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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,620	07/06/2000	Patrick H. Hayes	81230.55US1	6836

7590

09/05/2002

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EXAMINER

LESPERANCE, JEAN E

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PLA

Office Action Summary

Application No.

09/611,620

Applicant(s)

HAYES ET AL.

Examiner

Jean E Lesperance

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3,4</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 12-14, 15-19, and 20-35 are rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent # 6,040,829 ("Croy et al.") in view of U.S. Patent # 6,064,796 ("Nakamura et al.").

As for claims 1-11, 12-14, 15-19, and 20-35, Croy et al. teach a display unit 240 and various function keys 310, 311, and 312. Menus or selection lists are displayed for the user on display 240 (column 7, lines 27-29) corresponding to a control module having navigation keys operable in connection with the consumer electronic device for navigating the menu system; the save function allows a user to record a sequence of user function keys activations and associate a name with the particular sequence of actions (column 18, lines 39-41) corresponding to means for storing a sequence of navigation keystrokes of at least two of the navigation keys, and the user may simply press "Recall" and "MUSIC" to receive a list of programs that meet these particular

qualifiers according to the preselected user preferences (column 18, lines 44-47) corresponding to means for repeating the sequence of navigation keystrokes with fewer keystrokes than the sequence contains; a remote device 200 identifies itself by sending its unique number/code (column 10, lines 24-25) corresponding to a transmitter providing communication with consumer electronic device in response to activation of at least one of the keys; selection can be performed by using dedicated keys, so-called softkeys and function keys 310 and 311, active display areas and/or voice input (column 7, lines 30-36) corresponding to means for executing the sequence with less keystrokes than contained in the navigation keystrokes. Accordingly, Croy et al. teach all the claimed limitations as recited in claims 1-11, 12-14, 15-19, and 20-35 with the exception of providing a removable digital medium.

However, Nakamura et al. teach a recording medium M (Fig.2) corresponding to a removable digital medium having a menu system stored thereon.

It would have been obvious to utilize the recording medium M as taught by Nakamura et al. in the personal navigation system disclosed by Croy et al. because this would allow the intermediate signal to be compressed coded to obtain the recording signal.

As for claims 36-41, Croy et al. teach the operation of the present invention for entering a code number associated with a particular television program (column 18, lines 17-19) corresponding to accessing the desired material with a reduced step process subsequent to the step of storing steps for accessing the desired material, wherein the reduced step process contains fewer step than the stored steps for

accessing the desired material, whereby the desired material is assessed; the save function allows a user to record a sequence of user function keys activations and associate a name with the particular sequence of actions (column 18, lines 39-41) corresponding to storing steps for accessing desired material.

As for claim 42, Croy et al. teach a television Fig.1 (140) corresponding to a consumer electronic device; a user may be able to navigate through a hierarchy of menus and submenus by bouncing back and forth between a first display area and a second display area using a first set of function keys 310 and a second set of function keys 311 (column 16, lines 48-52) corresponding to a user interface having navigation keys adapted to navigate a menu system; the save function allows a user to record a sequence of user function keys activations and associate a name with the particular sequence of actions (column 18, lines 39-41) memory adapted to store a sequence comprising at least two navigation keystrokes, and the user may simply press "Recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the pre-selected user preferences (column 18, lines 44-47) corresponding to programming for subsequently repeating the sequence with fewer keystrokes than the at least two navigation keystrokes, wherein the menu system is navigated.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 43-48 are rejected under 35 U.S.C. 102 (e) as being unpatentable over U.S. Patent # 6,040,829 ("Croy et al.").

As for claim 43, Croy et al. teach a display device Fig.2 (240) corresponding to a display; a micro-controller Fig.2 (220) corresponding to a microprocessor connected to the display and adapted to define images on the display based upon material in the menu system.

As for claims 44 and 48, Croy et al. teach a remote interface Fig.54 (138) that has a bi-directional communication with the micro-controller Fig.54 (130) corresponding to a bi-directional communication system; a micro-controller Fig.54 (130) connected to the modem (136) corresponding to a processor connected to the communication system; and enabling or disabling signals of the PN service will cause the base station controller 130 to send data to the remote device 200 or not (conditional access). Micro-controller 130 receives the VBI encoded data as one source of external information provided to base station 100 (column 3, lines 45-50) corresponding to programming operable with the processor for defining navigation commands sent to the player based

upon data received from the player.

As for claims 45-47, Croy et al. teach the save function allows a user to record a sequence of user function keys activations and associate a name with the particular sequence of actions (column 18, lines 39-41) corresponding to programming comprises instructions for storing a sequence of commands for subsequent transmission to the player; and the user may simply press "Recall" and "MUSIC" to receive a list of programs that meet these particular qualifiers according to the pre-selected user preferences (column 18, lines 44-47) corresponding programming is adapted to process preprogrammed sequences of data transmitted by the player; a display unit 240 and various function keys 310, 311, and 312. Menus or selection lists are displayed for the user on display 240 (column 7, lines 27-29) corresponding to programming is adapted to define a plurality of keys based upon the data received from the player.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (703) 308-6413. The examiner can normally be reached on from Monday to Friday between 8:00AM and 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709 .

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

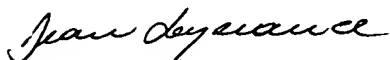
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



Date 8-27-2002

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RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600